



## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post-office address, and citizenship are as stated below next to my name.

I believe I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled SYSTEM AND METHOD FOR MANAGING FILE DATA DURING CONSISTENCY POINTS, the specification of which was filed on November 10, 2003, as United States Application Number 10/705,493 .

I hereby state that I have reviewed and understand the contents of the above-identified application specification, including the claims, as amended by any amendment specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) or (f), or §365(b), of any foreign application(s) for patent or inventor's or plant breeder's rights certificate(s), or §365(a) of any PCT international application that designated at least one country other than the United States of America, listed below:

None

I have also identified below any foreign application for patent or inventor's certificate filed by me on the same subject matter having a filing date before that of the application on which priority is claimed:

None

I hereby claim the benefit under Title 35, United States Code §119(e) of the following U.S. provisional application:

None

I hereby claim the benefit under Title 35, United States Code §120, of the United States Application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United State Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56, and which became available to me between

the filing date of the prior application and the national or PCT international filing date of this application:

None.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint Michael E. Attaya, Reg. No. 31,731; Michael J. Badzinski, Reg. No. 51,425; Charles J. Barbas, Reg. No. 32,959; James M. Behmke, Reg. No. 51,448; James A. Blanchette, Reg. No. 51,477; John L. Capone, Reg. No. 41,656; Robert A. Cesari, Reg. No. 18,381; Duane H. Dreger, Reg. No. 48,836; A. Sidney Johnston, Reg. No. 29,548; Stephen E. Kabakoff, Reg. No. 51,276; William A. Loginov, Reg. No. 34,863; John F. McKenna, Reg. No. 20,912; Martin J. O'Donnell, Reg. No. 24,204; Thomas C. O'Konski, Reg. No. 26,320; Edwin H. Paul, Reg. No. 31,405; Michael R. Reinemann, Reg. No. 38,280; Robert E. Rigby, Jr., Reg. No. 36,904; Rita M. Rooney, Reg. No. 30,585; and Patricia A. Sheehan, Reg. No. 32,301, Cesari and McKenna, LLP, 88 Black Falcon Avenue, Boston, MA 02210, and and Gary E. Ross, Reg. No. 29,431, Network Appliance, Inc., 495 East Java Drive, Sunnyvale, CA 94089, jointly, and each of them severally, my attorneys and attorney, with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent and to transact all business in the Patent and Trademark Office connected therewith. Please direct all telephone calls to Duane H. Dreger at (617) 951-2500. Please address all correspondence to Duane H. Dreger.

Eric Hamilton	Date
Residence:	1706 Rosedale Avenue Durham, NC 27707
Citizenship	United States
Post Office Address:	Same as above

Jeffrey S. Kimmel      3/23/2004  
Jeffrey S. Kimmel      Date

Residence:      293 Highview Drive  
Chapel Hill, NC 27517

Citizenship      United States of America

Post Office Address:      Same as above

\_\_\_\_\_  
Robert L. Fair      \_\_\_\_\_  
Date

Residence:      101 Threscher Court  
Cary, NC 27513

Citizenship      United States of America

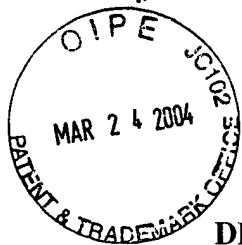
Post Office Address:      Same as above

\_\_\_\_\_  
Ashish Prakash      \_\_\_\_\_  
Date

Residence:      106 La Jolla Lane  
Morrisville, NC 27560

Citizenship      India

Post Office Address:      Same as above



PATENTS  
112056-0120  
P01-1570

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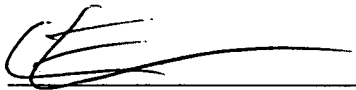
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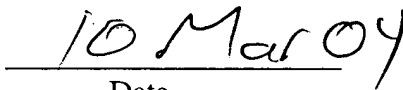
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Eric Hamilton



Date

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Durham, NC 27707

Citizenship United States

Post Office Address: Same as above

<u>Jeffrey S. Kimmel</u>	<u>Date</u>
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<u>Robert L. Fair</u>	<u>Date</u>
Residence:	101 Threscher Court Cary, NC 27513
Citizenship	United States of America
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<u>Ashish Prakash</u>	<u>Date</u>
Residence:	106 La Jolla Lane Morrisville, NC 27560
Citizenship	India
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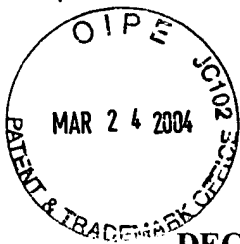
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<u> Robert L. Fair</u>	<u>3/12/04 Date</u>
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<u>Ashish Prakash</u>	<u>Date</u>
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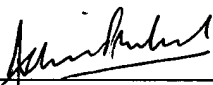
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 <u>Ashish Prakash</u>	<u>March 12, 2004</u> Date
Residence:	106 La Jolla Lane Morrisville, NC 27560
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Post Office Address:	Same as above